

## Chapter 112

### CIRCUSES AND PARADES

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**[HISTORY: Adopted by the Mayor and Council of Pocomoke City 1-6-1969 as Ord. No. 202 (Ch. 9 of the 1968 Code). Amendments noted where applicable.]**

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#### ARTICLE I

##### Circuses and Other Public Exhibitions

##### § 112-1. License required; fees; exceptions.

- A. Except as provided in § 112-3, it shall be unlawful for any person, within the corporate limits of the city, to present any play, farce, interlude, show, opera, concert, moving-picture show, circus menagerie or other public exhibition of any kind whatsoever unless he or she shall first have obtained a license therefor from the City Clerk.
- B. There shall be paid, at the time of filing the necessary application for a license, a fee, in the amount as shall be determined by the Council by resolution, for every circus or feat of horsemanship performed under a covering of canvas or any other material temporarily erected for that purpose. For every other exhibition of any kind whatsoever, the amount of the license fee shall be in the amount as shall be determined by the Council by resolution<sup>1</sup> **[Amended 7-7-1980 by Ord. No. 262, approved 7-7-1980]**

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<sup>1</sup>Editor's Note: The current Fees, Charges and Rates Schedule is on file in the City Clerk's office.

- C. Nothing herein shall be construed to require any license when the public exhibition is to be held on the premises of any church, governmental body or agency or private nonprofit institution.

**§ 112-2. Inspections; insurance; disorderly conduct; revocation of license**

- A. Inspection of premises; denial of permission; conditions.
  - (1) Before the City Clerk shall grant permission as provided herein, the premises where a circus or carnival is proposed to be held or any type of mechanical ride is proposed to be installed shall be inspected by the Police Chief, Fire Chief or such other person designated by the City Manager in order to ascertain whether such premises is suitable for the purpose and free from dangerous or hazardous features. The City Manager may cause other investigations or inspections to be made in order to secure the facts needed by the City Manager in determining whether or not the permission shall be granted.
  - (2) The City Manager may deny such permission on account of the existence of any unsanitary, hazardous or dangerous condition or because the location is deemed by the Manager to be unsuitable on account of the creation of a traffic hazard, the lack of accommodations for the number of persons and/or vehicles likely to be attracted thereto or a specific threat to the health or safety of the performers or persons in attendance.
  - (3) In every case the City Manager, in granting such permission, shall state the type of entertainment authorized and the time for which permission is to remain in effect. Such permission may be granted conditionally, dependent upon the taking of stipulated action by the holder of the license in order to meet standards of sanitation and safety.
- B. Liability insurance. Every applicant for a license for a circus or carnival shall, before such license is granted, furnish the City Manager with evidence that a public liability insurance policy in amounts of not less than two hundred thousand dollars (\$200,000.) for one (1) person and one million dollars (\$1,000,000) for any one (1) accident shall be in force and effect at the time such circus or carnival is to operate in the city. Such policy shall be subject to the approval of the City Attorney.
- C. Inspection prior to operation. After any license shall be granted under this Article, and before any circus or carnival shall be held or amusement ride operated thereunder, the holder of such license shall furnish the City Manager with a copy of the state inspection certificate to show that all installations made therein are free from dangerous, hazardous and unsanitary features and conditions. The holder of the certificate shall maintain the premises and installations in proper condition for the duration of the license.

- D. Disorderly conduct prohibited. No person granted a license under this Article shall permit any disorderly or immoral conduct upon the premises for which such license shall have been granted, nor shall any such person permit any gambling, any sale of obscene literature or any indecent, immoral or lewd act or performance upon such premises.
- E. Revocation of license. The City Manager is hereby authorized to revoke any license granted under this Article in case of failure to maintain proper standards of safety and sanitation and in case of the licensee's permitting any gambling, sale of obscene literature or any indecent, immoral or lewd act or performance. In case of revocation of any license as herein provided, no portion of such license shall be returned to the holder of such license.

**§ 112-3. Entertainment halls. [Amended 7-7-1980 by Ord. No. 262, approved 7-7-1980]**

- A. It shall be unlawful for any person owning or renting a hall, located within the corporate limits of the city, fitted up permanently for giving entertainment, as referred to in § 112-1, to permit such hall to be used for such purpose without first obtaining a license therefor from the City Clerk. A license fee, in the amount as shall be determined by the Council by resolution, shall be paid therefor<sup>2</sup> When any entertainment, as referred to in §112-1, is presented in any hall licensed under this section, the license required under §112-1 need not be obtained.
- B. Licenses issued under the provisions of this section shall be issued for the year beginning July 1 of one year and expiring June 30 of the succeeding year. All such licenses issued during any year shall be charged for on a pro rata basis from the date of issue until the end of the year in which issued.

**§ 112-4. Issuance or denial of license.**

- A. The City Clerk shall issue a license when, from a consideration of the application and from such other information as may otherwise be obtained, he or she finds that:
  - (1) The conduct of the circus or other public exhibition is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or to create a disturbance or to cause a riot.
  - (2) The concentration of persons, animals and vehicles at the proposed site will not unduly interfere with proper police and other protection of areas contiguous to such site.
  - (3) The activities proposed by way of a circus or other public exhibition will not be detrimental to the owners or occupants of property in the contiguous areas.

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<sup>2</sup>Editor's Note: The current Fees, Charges and Rates Schedule is on file in the City Clerk's office.

- B. The City Clerk shall act upon the application for an exhibition license within three (3) days after filing. If the Clerk disapproves the application, he or she shall mail to the applicant within four (4) days after the date upon which the application was filed a notice of his or her action stating the reasons for his or her denial of the license and returning the exhibition license fee.

#### **§ 112-5. Appeals.**

Any person aggrieved shall have the right to appeal the denial of any exhibition license to the Council. The appeal shall be taken within five (5) days after notice of denial is received. The Council shall act upon the appeal within two (2) days following receipt of the appeal.

### **ARTICLE II Parades**

#### **§ 112-6. Permit required; exceptions.**

No person shall engage in, participate in, aid, form or start any parade unless a parade permit has been obtained from the Police Department, except that this section does not apply to funeral processions, students going to and from school classes or participating in educational activities under the immediate direction and supervision of the proper school authorities or a governmental agency acting within the scope of its functions.

#### **§ 112-7. Application for permit. [Amended 12-3-1973 by Ord. No. 234]**

A person seeking issuance of a parade permit shall file an application with the City Manager not less than fifteen (15) days nor more than thirty (30) days before the date on which it is proposed to conduct the parade. The application shall set forth the following information:

- A. The name, address and telephone number of the person seeking to conduct such parade.
- B. If the parade is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization.
- C. The name, address and telephone number of the person who will be the parade chair and who will be responsible for its conduct.
- D. The date when the parade is to be conducted.
- E. The route to be traveled, including the starting point and the termination point.
- F. The approximate number of persons who, and animals and vehicles which, will constitute such parade and the type of animals and description of the vehicles.
- G. The hours when such parade will start and terminate.

- H. A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed.
- I. The location by streets of any assembly areas for such parade and the time at the parade will begin to assemble at such areas.
- J. Any additional information which the Police Department shall find reasonably necessary to a fair determination as to whether a permit should be issued.

**§ 112-8. Issuance or denial of permit; time.**

- A. The Chief of Police shall issue a parade permit when, from a consideration of the application and from such other information as may otherwise be obtained, he or she finds that:
  - (1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.
  - (2) The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city.
  - (3) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of areas contiguous to such assembly areas.
  - (4) The conduct of such parade will not interfere with the movement of fire-fighting equipment en route to a fire.
  - (5) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance or cause a riot.
  - (6) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without any unreasonable delays en route.
  - (7) The parade is not to be held for the sole purpose of advertising any product, goods or event and is not designed to be held purely for private profit.
- B. The Chief of Police shall act upon the application for a parade permit within three (3) days after filing. If the Chief of Police disapproves the application, he or she shall mail to the applicant, within four (4) days after the date upon which the application was filed, a notice of his or her action, stating the reasons for the denial of the permit and returning the parade permit fee.

### **§ 112-9. Appeals.**

Any person aggrieved shall have the right to appeal the denial of a parade permit to the Council. The appeal shall be taken within five (5) days after notice. The Council shall act upon the appeal within two (2) days after its receipt.

### **§ 112-10. Alternate time or route.**

The Chief of Police, in denying an application for a parade permit, may authorize application for a parade on a date, at a time or over a route different from that named by the applicant. An applicant desiring to accept an alternate time or route shall, within three (3) days after notice of the action of the Chief of Police, file a written notice of acceptance with the Chief of Police. Immediately upon the issuance of a parade permit, the Chief of Police shall send a copy thereof to the Mayor, the City Manager and the Fire Chief.

### **§ 112-11. Conditions of permit.**

- A. Each parade permit shall state the following information:
  - (1) Starting time.
  - (2) Minimum and maximum speeds.
  - (3) Maximum interval of space to be maintained between the units of the parade.
  - (4) The portions of the streets to be traversed that may be occupied by the parade.
  - (5) The maximum length of the parade in miles or fractions thereof.
  - (6) Such other information as the Police Department shall find necessary to the enforcement of this section.
- B. The parade chair or other person heading or leading such activities shall carry the parade permit upon his or her person during the conduct of the parade.

### **§ 112-12. Interference with parade; parking on route.**

No person shall unreasonably hamper, obstruct or impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade. The Police Department shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway, street or part thereof constituting a part of the route of a parade. The Police Department shall post signs to such effect, and when so posted no person shall park or leave unattended any vehicle in violation thereof.

### **§ 112-13. Violations and penalties**

Violation of any of the provisions of this chapter shall be a municipal infraction and shall be punishable by a fine as set forth in the Fees, Charges and Rates Schedule, as adopted by resolution of the City Council from time to time.